



WENDOVER PARISH COUNCIL

Address: The Clock Tower, High Street, Wendover,
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Email: clerk@wendover-pc.gov.uk

STAFFING COMMITTEE AGENDA

7th February 2023 6:45pm

St Annes Hall, Aylesbury Road, Wendover, HP22 6JG

Membership: Councillors Durden-Moore (Chair), Ballantine, Bulpett (ex-officio), Thornton, Washington, Williams and Worth.

To all Members:

YOU ARE HEREBY SUMMONED TO ATTEND THE ABOVE-MENTIONED MEETING, WHEN IT IS PROPOSED THAT THE BUSINESS TO BE TRANSACTED SHALL BE AS SET OUT BELOW.

MEMBERS OF THE PUBLIC AND PRESS ARE INVITED TO ATTEND.

AGENDA

1. APOLOGIES FOR ABSENCE

To consider any apologies for absence received.

2. COMMITTEE MEMBERSHIP

To consider welcoming Councillor Gallagher to the staffing committee.

3. DECLARATIONS OF INTEREST

In accordance with Sections 30(3) and 235(2) of the Localism Act 2011 and the Wendover Parish Council Code of Conduct Councillors will declare their interest in relation to this meeting. Councillors will also be asked to complete a Declaration of Interests Form for their term of office.

4. MINUTES

To confirm the minutes of the extraordinary meeting of 15th November 2022 as a true record.

5. PUBLIC PARTICIPATION

A maximum of 3 minutes per speaker will be allowed.

6. CHAIRS ANNOUNCEMENTS

To receive updates from the Chair

7. CLERKS REPORT

To receive an update report from the Clerk

8. OTHER MATTERS

a) HR Report

To receive and note a HR report, consider the new Clock Tower office staffing arrangement, and consider the new Clock Tower staff Job Descriptions.

b) Policy Review

To review and consider the following policies:

i) Volunteering Policy – to resolve to renew with no amendments

ii) Equality and Respect Policy – to resolve to approve the new single policy which replaces the following policies:

- Equality, Diversity and Inclusion Policy
- Equal Opportunities Policy
- Bullying and Harassment

c) Appointment of new Chair

To resolve the appointment of a new Chair of Staffing Committee to commence immediately after the end of this current meeting.

9. ITEMS FOR NEXT AGENDA

Training reports and updates

10. DATES OF FUTURE MEETINGS

To note the next meeting of staffing on Tue 2nd May

11. CONFIDENTIAL ITEMS

To resolve to move into closed session and exclude the public and press in accordance with the Public Bodies (Admissions to Meetings) Act 1960, due to the confidential nature of the business to be discussed.

a) Annual Remuneration Review (sensitive personal data)

i) To consider and resolve annual increments for the office staff.

ii) To consider and resolve Grounds Team job evaluation process, job descriptions and increments.

b) Staffing plan for Clock Tower (sensitive personal data) – to note recent changes, consider financial implications and resolve the new staffing arrangement.

12. CLOSURE OF THE MEETING

Signed by *Andy Smith*

Clerk to the Council

Date: 2nd February 2023

WENDOVER PARISH COUNCIL

Minutes of the Extraordinary Staffing Committee Meeting 15th November at 6:30pm Meeting held at St Annes Hall, Aylesbury Road, Wendover, HP22 6JG

Present: Councillors Durden-Moore (Chair), Ballantine, Thornton, Williams and Washington.

Clerk: Andy Smith

Members of Public: None

1. APOLOGIES FOR ABSENCE

S22/062 Apologies were received and **ACCEPTED** from Councillors Bulpett and Worth

2. DECLARATIONS OF INTEREST

S22/063 None declared

3. MINUTES

S22/064 The minutes of the meeting of 1st November 2022 were considered. The minutes were **RESOLVED** as a true record and signed by the Chair.

4. PUBLIC PARTICIPATION

S22/065 There was no public participation

5. CHAIRS ANNOUNCEMENTS

S22/066 The Chair expressed thanks to the Committee for their support on the issues we are dealing with; in particular, Councillor Williams, for standing in and producing the staffing report on which the committee is basing decisions.

6. OTHER MATTERS

S22/067 The Public Bodies (Admission to Meetings) Act 1960 makes provision for excluding the public by resolution when confidential business is being considered or there are other special reasons and publicity would be prejudicial to the public interest. It was **RESOLVED** to move into a confidential session.

i) Request for a pay review

S22/068 Each of the requests were considered along with the HR advice given at an online meeting held on 3rd November 2022. It was **RESOLVED** that the Council accepted the NALC pay negotiation outcome and this would be backdated and applied to all staff who had worked in the current salary year from 1st April 2022.

The committee then considered additional discretionary payments. It was **RESOLVED** that decisions on those payments for each member of staff requesting a pay review will be

conveyed in person by the Chair of Staffing with a written confirmation that will be circulated and approved by the Committee members.

ii) **To consider the staffing budget for 23/24**

S22/069 The budget request in line with the agreement made in item 6i) was considered and it was **RESOLVED** to forward that request to the Finance Committee and Parish Council as part of the 23/24 Budget discussions.

7. DATES FOR FUTURE MEETINGS

S22/070 The next ordinary Staffing Committee meeting is scheduled to take place on 7th February 2023

8. ITEMS FOR NEXT AGENDA

S22/071 Items for the next ordinary meeting - To review Worknest and the new Care and Consideration policies

9. CLOSURE OF MEETING

All business was transacted. The meeting was closed at 7:15pm

Signed by *Councillor Durden-Moore*
Chair to the Staffing Committee

Date: 7th February 2023



ITEM 8a – HR REPORT

BROUGHT BY

Clerk

SUMMARY OF MOTION

To note the report on HR issues. To consider the new office staffing arrangements and approve the new Job Descriptions

PARISH COUNCIL BACKGROUND

N/A

DETAILS

This report covers the period since the last ordinary staffing committee on 1st November 2022

The office team are settling in and the grounds team.

HR Summary Report for Staffing Committee

Reporting year start date	01/04/2022
Start Date	01/11/2022
End Date	31/01/2023
Total number of days	91
Number of days YTD	305
Number of staff	4

Annual Leave	days	per staff	YTD	YTD per staff
Number of days taken	12	3	46	11.5
Number of days still owed	38.5	9.6		

Toil	hours	per staff	YTD	YTD per staff
Number of hours accrued	59.75	14.9	91.8	22.9
Number of hours still owed	18.25	4.6		

Sickness		per staff	YTD	YTD per staff
Number of days taken	8.5	2.1	9.5	2.4
Number of periods of leave	5	1.3	6	1.5



Overtime	Hours	per staff	YTD	YTD per staff
Number of hours of overtime	66	33.0	124	62

Note: Overtime recording only started in Sep 2022 and only applies to 2 staff

Annual Leave

The amount of annual leave left before the leave year finishes on 31/3/23 is a small concern. The staff who have the highest leave left have been spoken to about the value of taking leave and how work life balance is important.

TOIL

The total toil accrued amounts to nearly 8 days. This is higher than normal because of the Christmas events and a number of Extraordinary Meetings in the period. It is within expectations.

Sickness

This is higher than expected and is under monitoring.

Overtime

This is in line with expectations and applies exclusively to the grounds team

Training

In this period the Clerk and Estates and Event Manager have successfully completed their ILCA. A training recording system that includes reports back from training activity and training undertaken by Councillors and staff is being worked on for the next Staffing meeting

New Staffing Arrangements

With the changes in the workloads and the new staff it is proposed to go to a model of 2 permanent staff in the clock tower and additional support brought in as and when. There is an ongoing need for our website and design for the Parish and that is factored into the model below. This arrangement will need new JDs and contractual arrangements which are considered in the paper in the confidential section:



Proposed staffing model

Wendover Parish Council Staffing – February 2023 onwards

Proper Officer & Financial Officer

To support the Council to champion Wendover's unique character by ensuring an effective and efficient Council which represents and engages the local community and the instructions of the Council, in its function as a Local Authority, are carried out in a legal and timely manner as Proper Officer and Responsible Finance Officer

- Council Strategy
- Local Planning
- Understanding the local views and wider context of the Council
- Commit to a sustainable environment
- Open meetings and well informed decisions
- Engage with the community
- Proper officer
- Council policy
- Responsible Finance Officer
- Manage the staff team
- Contracts and H&S
- Maintain and develop relevant skills and knowledge

Estates Team

- To support the Council to champion Wendover's unique character by taking the lead on maintaining and supporting the development of the council's spaces and property.
- Creating better spaces
- General upkeep and maintenance of land and facilities
- Dealing with contractors
- Commit to a sustainable environment
- Look after events and bookings
- Supporting the general work of the Council
- Maintain relevant skills and knowledge

Estate & Events Manager

- To support the Council to champion Wendover's unique character by ensuring the open spaces meet the local needs and local people engage through events and activities.
- Support Council strategy
- Support Council Committees (esp Amenities and Planning)
- Delivery of services and provision of amenities
- Understand the local views and wider context of the Council
- Commit to a sustainable environment
- Events and bookings
- Community engagement
- Deputy Clerk
- Support the finances of the Council
- Maintain relevant skills and knowledge

Web and Publicity Support

- Contracted out
- WPC Website
- W2W Website
- Social Media
- Comms and Publicity
- Wendover and WPC
- Brand and identity



Proposed Job Descriptions

Post Title:	Clerk and Responsible Finance Officer (RFO)
Department:	Office Team
Accountable to:	Full Council via Chair of Staffing
Hours:	Full time (37 hours per week)
Grade:	LC3 SCP33-38

Council Vision, Mission and Values

The job role is key to the Council delivering on its Vision Mission and Values as set out below:

Vision

The Parish of Wendover will continue to thrive through actively celebrating its heritage & rural setting, addressing the challenge of climate change and enhancing its unique character.

Mission

To champion Wendover's unique character. WPC aim to do this with the following actions:

- Protect & enhance what makes Wendover's unique character.
- preserve the heritage (buildings, way of life) and facilities (open spaces, infrastructure)
- support the people (who reside, work & visit) install a sense of pride in all that we are.
- be an easy place to start and grow a business.

Commit to a sustainable environment:

- address challenges resulting from climate change in all that we do.
- encourage & support everyone to play their part.
- mitigate the impact of HS2 wherever possible.

Promote an inclusive community:

- be welcoming across all groups of society, visitors, new residents, and new businesses.
- install an ongoing sense of community for all those who reside or work in the parish.
- work in partnership with neighbouring parishes and community groups

Wendover Parish Council Core Values

- **Respectful**
We value each other & those we work with, nurturing a culture of tolerance & honouring the opinions of others.
- **Collaborative**
We embrace ideas and work with many partners and associations to ensure we succeed.
- **Transparent**
We are accountable and responsible for all that we do.
- **Welcoming**
We strive to embrace diversity in all that we do, with whomever we serve and partner with.
- **Flexible**
We recognise the world changes, and we strive to adapt accordingly.



Job Purpose

To support the Council to champion Wendover's unique character by ensuring an effective and efficient Council which represents and engages the local community and the instructions of the Council, in its function as a Local Authority, are carried out in a legal and timely manner.

As Proper Officer and Responsible Finance Officer the postholder will act in accordance with the statutory duty to carry out all the functions, and to serve or issue all notifications required by law and act as advisor to Council in all matters pertaining to the functions of the Council.

Detailed Description

Undertake the legal and statutory requirements of the Council.

Proper officer

1. Undertake the duties of the Proper Officer of Wendover Parish Council and act in accordance with the statutory duty to carry out all the functions, and to serve or issue all notifications required by law of a local authority's Proper Officer.
2. Be accountable to Wendover Parish Council as a corporate body, through the Staffing Committee and Chair, for effective management of all its resources, reporting as and when required.

Council Policy

3. Draw up, both on their own initiative and, as a result of suggestions by Councillors, proposals for consideration by the Council and advise on feasibility, practicability, and likely impact/effects of specific courses of action.
4. The Clerk should advise the Parish Council on, and assist in collating the information of, overall policies to be followed in respect of the Authority's activities and, in particular, to produce all information required for making effective decisions and their implementation.
5. Monitor the implementation of those policies and ensure they are achieving the desired result, suggesting changes where they are not.

Responsible Finance Officer

6. As the Responsible Financial Officer, the Clerk has specific responsibilities to:
 - Prepare financial reports to the Council.
 - Monitor financial performance relative to budget and report variances to the Council; Prepare draft estimates, which when approved by Council will form an annual budget.
 - Submit precept requests to the Unitary Council and supply any breakdown requested.
 - Record regularly all monies received and expended by the Council.
 - Prepare and balance final accounts in accordance with prevailing regulations and report thereon to the Council.
 - Produce accounts for external audit in accordance with prevailing regulations.
 - Manage insurance risk and process claims as necessary.
 - Maintain the Council's register of property and assets.
 - Be responsible for the parish's payroll process, including deduction of income tax and national insurance contributions from employee's remuneration and the payment of the same to the Inland Revenue.
 - Maintain a record of all VAT transactions and ensure recovery of all monies due.



Managing the staff team

7. To act as line manager to the Council staff team and undertake all duties in line with that role including:
 - Management of salaries and conditions of employment.
 - Conducting annual appraisals
 - Leading on all HR issues on behalf of the Council, for example staff policies, discipline, grievance, performance issues and setting of priorities

Contracts and H&S

8. Sign agreements and contracts on behalf of the Council
9. To draft tenders, leases contracts and other legal agreements and advising the council on the law relating to those documents.
10. To monitor the performance of contractors and those who are in a contractual relationship with the Council.
11. Ensuring that the Council's obligations for risk management are properly discharged and that the Council complies with health and safety legislation. This includes ensuring the Council's obligation to insure are properly met.

Protect & enhance what makes Wendover's unique character.

Council Strategy

12. To take the lead in supporting the Council in the development of a long-term strategic vision for Wendover parish and WPC
13. Advise the Parish Council on, and assist in collating the information of, overall policies to be followed in respect of the Authority's activities and to produce all information required for making effective decisions and their implementation.

Local Planning

14. Co-ordination and provision of informed support to the Council's responses to planning applications, supporting the neighbourhood plan and securing community benefits from the planning process.
15. Be responsible for Wendover's Neighbourhood Plan (NP) and the Ear Marked Reserve Projects

Understanding the local views and wider context of the Council

16. To understand the local area and the views of the parish, providing reports and research papers to Committees or full Council as directed by the Clerk.
17. To collect, study and report data on the activities of WPC, liaising with specialists where appropriate to interpret and make decisions on that data.
18. To liaise with other organisations with regards to looking at new ideas, best practice and benchmarking WPCs activities for the Parish. These organisations include: Buckinghamshire Council, Other local parish councils, NALC, BMKALC and the SLCC.
19. Deal with members of the public on a day-to-day basis in person, by email and on the telephone and engage with the community at local events.
20. Act as a representative of the parish and WPC as required.

Commit to a sustainable environment.

21. To lead on environmental audits and actions from those audits.
22. Planning ground works to develop areas for wildlife and plants.
23. Support the Council with initiatives that reduce the carbon footprint.



Promote an inclusive community.

Open meetings and well-informed decisions

24. Attend meetings of the Parish Council and of Parish Council Committees, as required.
25. To issue notices of and prepare, in consultation with the appropriate Council member, agendas for all meetings of Council and Committees and prepare and circulate appropriate papers pertaining to the agenda in a timely manner.
26. Issue notices and prepare agendas and minutes for the Annual Parish Meeting and Annual Meetings of the Parish Council; attend assemblies of the Annual Parish Meeting and Annual Meetings of the Parish Council and implement decisions made at the meetings.
27. To prepare, circulate and publicise minutes from these meetings for approval unless such duties have been delegated.
28. To ensure that statutory and other provisions are observed by Council during meetings and on other appropriate occasions.

Engage with the community

29. To act as a representative of the Parish Council as required.
30. To attend other meetings and events to promote awareness of the Council and its work.
31. To be a contact point and to manage communications and engagement with the parish and wider world on a daily basis through: face to face communications, telephone, email, the website, print media and social media. Further, to ensure that these communications represent the views of the Council and do not pose a risk to the reputation of the Council. These communications include:
 - Keeping a current list of events on the web and social media.
 - Developing content for web, print media and social media.
 - Posting content on the web and social media.
 - Issuing press releases
32. To lead a strategy that maximises WPC engagement with all members of the parish.
33. Receive and deal with correspondence and documents on behalf of the Parish Council or bring such items to the attention of the Parish Council and issue correspondence, as a result of instructions, or the agreed policy, of the Parish Council.

CPD and training

34. To maintain up-to-date professional knowledge by attending training courses and by membership of The Society of Local Council Clerks.
35. Attend training courses on the work and role of the Clerk as required by the Parish Council.
36. Attend the Conferences of the Association of Local Councils, Society of Local Council Clerks, and other relevant bodies, as a representative of the Parish Council.
37. To undertake any reasonable instruction from the Council in line with this job description

REQUIREMENTS

The post holder is required to embrace the council's values:

- Respectful
- Collaborative
- Transparent
- Welcoming
- Flexible

And be able to work with an elected leadership team.



Post Title: Estates and Events Manager
Department: Office Team
Accountable to: Parish Clerk
Hours: Full time (37 hours per week)
Grade: LC2 SCP24-29

Council Vision, Mission and Values

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Mission

To champion Wendover's unique character. WPC aim to do this with the following actions:

- Protect & enhance what makes Wendover's unique character
- preserve the heritage (buildings, way of life) and facilities (open spaces, infrastructure)
- support the people (who reside, work & visit) install a sense of pride in all that we are
- be an easy place to start and grow a business

Commit to a sustainable environment

- address challenges resulting from climate change in all that we do
- encourage & support everyone to play their part
- mitigate the impact of HS2 wherever possible

Promote an inclusive community

- be welcoming across all groups of society, visitors, new residents, and new businesses
- install an ongoing sense of community for all those who reside or work in the parish
- work in partnership with neighbouring parishes and community groups

Wendover Parish Council Core Values

- **Respectful**
We value each other & those we work with, nurturing a culture of tolerance & honouring the opinions of others.
- **Collaborative**
We embrace ideas and work with many partners and associations to ensure we succeed.
- **Transparent**
We are accountable and responsible for all that we do.
- **Welcoming**
We strive to embrace diversity in all that we do, with whomever we serve and partner with.
- **Flexible**
We recognise the world changes, and we strive to adapt accordingly.



Job Purpose

To support the Council to champion Wendover's unique character by ensuring the open spaces meet the local needs and local people engage through events and activities. They will support the Clerk in ensuring the Council is an effective local representative.

They will manage the devolved services, the Clock Tower utilities, overseeing all Parish Council-owned open spaces (Markets, Manor Waste, Allotments, Play Spaces), driving the Amenities Committee with associated administration and lead the annual Christmas Event, APM, Picnics in the Park.

Detailed Description

Protect & enhance what makes Wendover's unique character.

Council strategy

1. To support the Council in the development of a long-term strategic vision for Wendover parish and WPC
2. Assist the Clerk to manage all resources and activities of the Council to satisfy parish needs and meet any targets set.

Support for Council Committees

3. Support the Amenities Committee in delivering services and open spaces that are valued by the parish. This includes (but is not exclusive to):
 - Issuing notices of the meetings
 - preparing and publicising agendas
 - preparing and circulating papers
 - attend the meeting and taking minutes
 - Writing up minutes for approval
 - Following up on actions from the meeting
4. Support the Planning Committee in dealing with planning applications and our recommendations to Bucks Council. This includes (but is not exclusive to):
 - Issuing notices of the meetings
 - Maintaining a list of planning applications and upload their outcomes on the planning system
 - preparing and publicising agendas
 - preparing and circulating papers
 - attend the meeting and taking minutes
 - Writing up minutes for approval
 - Following up on actions from the meeting

Delivery of services and provision of amenities

5. Lead on the delivery of WPC's estates and events projects and support the work of the working groups that consider WPCs open spaces and/or events.
6. To manage the allotment allocations, ensure the allotments are in keeping with parish and that the allotment plots are being used in line with the tenancy contracts
7. To ensure effective management, repair and maintenance of the estate assets, which includes:
 - Open spaces and Play parks
 - Specified Footpaths
 - Specified hedges and grass verges



- Specified street lights
- Allotments
- Trees
- Street furniture – benches, bus shelters, bins etc

Understanding the local views and wider context of the Council

8. To understand the local area and the views of the people living in the parish, providing reports and research papers to Committees or full Council as directed by the Clerk.
9. To collect, study and report data on the activities of WPC, liaising with specialists where appropriate to interpret and make decisions on that data.
10. To liaise with other organisations with regards to looking at new ideas, best practice and benchmarking WPCs activities for the Parish. These organisations include: Buckinghamshire Council, Other local parish councils, NALC, BMKALC and the SLCC.
11. Deal with members of the public on a day-to-day basis in person, by email and on the telephone and engage with the community at local events.
12. Act as a representative of the parish and WPC as required.

Commit to a sustainable environment.

13. To ensure the estates team follows best practice for the management and maintenance of healthy eco systems, including (but not exclusively):
 - Timing of hedge and grass cutting
 - Developing wildflower areas and sympathetic planting of trees and plants
 - Building and maintaining water collection systems for allotment holders
 - Maintaining nature areas such as the Hampden Pond
 - Watering plants and trees according to their needs and seasonal weather
14. Planning ground works to develop areas for wildlife and plants.
15. Support the Council with initiatives that reduce the carbon footprint.

Promote an inclusive community.

Events and bookings

16. To drive all Parish Council events, regardless of size or scope, working with Councillors, Volunteers and Staff including (but not exhaustively):
 - Markets – the weekly market and additional artisan/local produce markets
 - Christmas events
 - Summer events
 - The annual quiz
17. To take bookings for events and services provided by the Council. In taking those bookings ensure that the PC undertakes the relevant due diligence for any organisation who leases WPC or trades on WPC spaces and ensure these organisations fit within an inclusive community
18. Collect any rents or monies owed for events and services and ensure organisations are following the agreements or guidance for the use of the services or delivery of events.

Community engagement

19. To coordinate the communications and engagement with the parish on a daily basis through the website, print media and social media. This includes:
 - Keeping a current list of events on the web and social media.
 - Developing content for web, print media and social media
 - Posting content under the direction of the Clerk
20. To contribute to a strategy that maximises WPC engagement with all members of the parish



Support the general work of the Parish Council

Deputy Clerk

21. Assist, support and deputise for the Clerk when appropriate to ensure that the instructions of WPC, in connection with its functions as a Local Authority, are carried out. In particular to produce all information required to assist the Council to make effective decisions.
22. In the absence of the Clerk, to take responsibility and to act as the Clerk of the Council.
23. To ensure that statutory and other provisions are observed by Council during meetings and on other appropriate occasions.
24. To take responsibility for the administration of other Committees when required, under the direction of the Clerk and relevant Chairman.
25. Assist the Clerk in the implementation of all Council decisions and account to the Council for the effective management of resources.
26. Be accountable for all Health and Safety matters relating to staff, contractors, public and assets. To follow all process, update all forms and engage with reviewing Health and Safety matters.

Support the finances of the Parish Council

27. To assist in monitoring estates and events budgets by reporting on expenditure, advising on budget variances and recommending future budget levels.
28. Support the financial functions of the council by gathering quotes, monitoring income and expenditure, collating costs for the annual budget process and status reports for all projects.
29. To investigate and implement alternative income streams to support the work of the council including new events and services, grant applications or community funds.

CPD and training

30. To maintain up-to-date professional knowledge by attending training courses and by membership of The Society of Local Council Clerks.
31. Attend training courses on the work and role of the Clerk as required by the Parish Council.
32. To work towards achieving the Certificate in Local Council Administration if this has not already been obtained.

33. To undertake any reasonable instruction from the Council or Clerk in line with this job description

REQUIREMENTS

The post holder is required to embrace the council's values:

- Respectful
- Collaborative
- Transparent
- Welcoming
- Flexible

And be able to work with an elected leadership team.

FINANCIAL CONSIDERATIONS

The full financial situation is set out in the Remuneration Paper and the Office Staffing paper

LEGAL AND OTHER IMPLICATIONS

N/A



PROPOSAL FOR DECISION BY THE COUNCIL

The Parish Council is asked to resolve the following:

- To note the HR report and commentary
- To consider and approve the staffing model
- To consider and approve the Job Descriptions



ITEM 8b – POLICY UPDATE: VOLUNTEERING POLICY

BROUGHT BY

Staffing Committee

SUMMARY OF MOTION

To review the volunteering policy and resolve to renew the current policy

PARISH COUNCIL BACKGROUND

N/A

DETAILS

Amendments are shown in red.

Volunteering Policy

This policy sets out the principles for voluntary involvement in activities authorised by Wendover Parish Council (WPC). The WPC acknowledges that volunteers contribute in many ways, and that volunteering can benefit the council, local communities and the volunteers themselves. This policy applies to volunteers working on behalf of the Parish Council, not those employed by the Parish Council.

Only volunteer work that has been authorised by the Council will be covered by the Parish Council's insurance, however the council does not insure volunteer's personal possessions.

1. Volunteers must inform the Parish Clerk of work they intend to carry out before commencing such work, in writing to the Parish Clerk. This notice must include:
 - The names & contact details of all persons engaged in the works
 - A description of the planned task
 - The date & time that works will take place
 - The duration of the works
 - The location of the works
2. A safe system of work will be followed at all times. Government guidelines must always be followed. (e.g., Covid Guidelines)
3. It is the responsibility of the organisers of voluntary work to ensure that volunteers have the information, equipment and leadership required to ensure that tasks are completed safely.
4. Volunteers must be adequately experienced and trained to be able to carry out the role required. The exact nature of the training will depend on the role and the findings from the required risk assessment.



5. A risk assessment will be undertaken in order to identify any risks that might be faced and how they will be managed. The Clerk of the council can offer advice on this process. A copy of the risk assessment will be deposited with the clerk prior to the work being undertaken. Visual inspections of the work area must be carried out and recorded prior to work commencing.

The risk assessment should include as a minimum:

- The job or activity
- The existing competency of volunteers
- The circumstances of the work (e.g. the degree of supervision)
- The tools and/or equipment being used
- Training requirement
- Any safeguarding concerns from working with children and vulnerable adults (and may require the volunteer to complete a DBS check) please refer to Child and Vulnerable Adults Policy

6. The training standard must be sufficient to ensure the Health and Safety of volunteers and any people who might be affected by the work.
7. Volunteers must be informed about the task and its purpose, health, safety and supervision arrangements. Responsibility for this rests with the individual to whom authority has been provided for by Wendover Parish Council.
8. All works undertaken by volunteers shall have regard to the Health & Safety at Work Act. Volunteers will not be authorised to carry out work that the Council considers hazardous or would contravene the principles of the Health and Safety at Work Act, taking into account the competence of the volunteer(s) carrying out the proposed work.
9. All volunteers must have due regard to the fact that they are carrying out authorised work on behalf of Wendover Parish Council and as such are representing the Council, both in quality of work and possible interaction with the public. **Volunteers will need to abide by the code of conduct which shall be provided to all volunteers.**
10. **Should a volunteer be concerned about the role they are undertaking, another volunteer or the members of the community who are involved they should notify these concerns to the clerk.**
11. A copy of this policy must be given to all volunteers.

I confirm that I have received, read and agree to comply with this policy.

Signed Date

Name



Document History

Drafted by Parish Clerk	17/11/2016	(version 1)
Review Staffing Committee	29/11/2016	(version 1)
Draft to Parish Council for Debate	05/12/2016	(version 2)
Approved	05/12/2016	(version 2)
Reviewed by Staffing Committee	24/11/2017	(version 2)
Reviewed by Staffing Committee	05/03/2019	(version 2)
Reviewed by Staffing Committee	25/03/2021	(version 3)
Reviewed by Staffing Committee	07/02/2023	(version 3.1)

FINANCIAL CONSIDERATIONS

N/A

LEGAL AND OTHER IMPLICATIONS

N/A

PROPOSAL FOR DECISION BY THE COUNCIL

The Parish Council is asked to resolve the following:

- To note the policy
- To resolve to renew the policy with the minor amendments



ITEM 8bii – POLICY UPDATE: EQUALITY AND RESPECT POLICY

BROUGHT BY

Staffing Committee

SUMMARY OF MOTION

To update and approve the equality, diversity and dignity at work policy. This will replace (merge and lapse) the following policies:

- Equality, Diversity and Inclusion Policy
- Equal Opportunities Policy
- Bullying and Harassment

To note the Civility and Respect project (Appendix B) and authorise the clerk to do more research outlining options to sign their civility and respect pledge at a future meeting.

PARISH COUNCIL BACKGROUND

Current Policies are shown in Appendix A.

- Bullying and harassment policy – states it applies to employees but also covers Councillors. It does briefly mention bullying and harassment by third parties.
- Equal opportunities policy – a statement of commitment to equal opportunities for all staff and candidates for jobs.
- Equality, Diversity and Inclusion – again a statement of our commitment to equality, diversity and inclusion for employees, volunteers, Councillors and people using our services and facilities. It focuses on definitions and having staff and Councillor training to implement EDI policy. There is some minor overlap on the Equal opportunities policy and bullying and harassment policy.

The Council has got policy templates from BMKALC and the Civility and Respect Project to inform this policy



DETAILS

The new policy is proposed as below:

EQUALITY, DIVERSITY AND DIGNITY AT WORK

[INSERT TABLE OF CONTENTS]

SUMMARY

1. This policy enhances and replaces the following policies
 - Equality, Diversity and Inclusion Policy
 - Equal Opportunities Policy
 - Bullying and Harassment
2. This policy has the main policy statement and guidance notes held in the appendix to support the implementation and interpretation of the policy
3. This policy is relevant to Councillors, employees, volunteers and users of the services and open spaces provided by Wendover Parish Council
4. Wendover Parish Council states its commitment to equality, diversity and inclusion and sets out to:
 - Ensure all spaces and services are available to all members of the Parish.
 - Ensure Councillors, employees and volunteers (including job applicants) are not subject to discrimination.
 - Requirements for recruitment, working practices, training and ongoing monitoring
 - Remedies for if people feel they have been discriminated against
5. Our dignity at work statements explain how we will respond to complaints of bullying or harassment with staff, Councillors or third parties
 - It ensures that we respond sensitively and promptly; and,
 - supports representatives of the Council to ensure their behaviour does not amount to bullying and/or harassment

Statement on equality, diversity, and inclusion

Wendover Parish Council is committed to the principle of equal opportunity, diversity and inclusion for all regardless of race, gender, religious beliefs (or lack thereof), creed, colour, disability, ethnic origin, nationality, marital/parental status, sex or sexual orientation and age.

- Wendover Parish Council declares its opposition to any form of direct or indirect discrimination on these grounds.
- Wendover Parish Council recognises its obligations under relevant legislation (listed below) and their Codes of Practice to eliminate discrimination and to promote equality of opportunity in employment and volunteering.
- Wendover Parish Council recognises that all Councillors, employees and volunteers have a personal responsibility to ensure equal opportunity, diversity and inclusion for all.

Access to services and facilities

As a local service provider, Wendover Parish Council will actively promote equal opportunity, diversity and inclusion for all by ensuring equality in the delivery and availability of its services (in this policy, the term service includes facilities). Specifically, Wendover Parish Council will ensure that service users have equality of opportunity, access, and treatment.



- **Equality of Opportunity** means that all service users have equal opportunity to learn about services which may be appropriate to them, e.g. By avoiding communication methods which directly or indirectly discriminate against particular groups or individuals.
- **Equality of Access** means that that all service users have equal access to services which may be appropriate to them, e.g. By meeting so far as practicable the special needs of minorities which might otherwise restrict their access to services. Service users should also be able to contact the Parish Council in ways which suit them best, unrestricted by their own IT skills or provision.
- **Equality of Treatment** means that, once service users have accessed services, they have their needs met so far as practicable in a manner that takes account of any special requirements.

Equality Assessments will be prepared by the Clerk in relation to all major projects, service improvements or changes, or new policies. The Assessment will report whether the Equality and Diversity Policy has been observed in relation to the project.

Consultation and communications

Wendover Parish Council will actively promote equal opportunity, diversity and inclusion for all by ensuring equality in how it consults and communicates with those living in the parish. Specifically, Wendover Parish Council will ensure that no minority or disadvantaged group is adversely discriminated against in any consultation or communication process.

Councillors, employees and volunteers

It is unlawful to discriminate against an individual with respect to “protected characteristics” which are detailed in the guidance notes below.

The purpose of this policy is to provide equal opportunities to all Councillors, employees and volunteers, irrespective of their characteristics (unless there are genuine occupational qualifications or objectively justified reasons for a different approach to be taken). The Council opposes all forms of unlawful and unfair discrimination whether it be direct or indirect discrimination, victimisation or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010.

The Council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. All Councillors, employees and volunteers, whether full-time, part-time, fixed term contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability.

All those who engage with the Council will be helped and encouraged to develop their full potential and the talents and resources will be fully utilised to maximise the efficiency of the Council.

Breaches of the equal opportunities policy will be regarded as serious misconduct and could lead to disciplinary proceedings. Employees are entitled to complain about discrimination or harassment or victimisation through the Council’s Grievance procedure.

The Council's aim is to ensure that all of its employees and job applicants are treated equally, irrespective of disability, race, colour, religion, nationality, ethnic origin, age, sex, sexual orientation or marital status. The Council appoints, trains, develops and promotes staff on the basis of merit and ability.

All employees have a duty, both morally and legally, not to discriminate against individuals. This means that there shall be no discrimination on account of disability, race, colour, religion,



nationality, ethnic origin, age, sex, sexual orientation or marital status. Employees have personal responsibility for the practical application of the Council's Equal Opportunities Policy, which extends to the treatment of Councillors, members of the public and employees.

Recruitment

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

Working practices

The Council will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the Council considers it has good reasons, unrelated to any protected characteristic, for doing so. The Council will comply with its obligations in relation to statutory requests for contract variations. The Council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Equal opportunities monitoring

The Council will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The Council treats personal data collected for reviewing equality and diversity in accordance with the data protection policy. Information about how data is used and the basis for processing is provided in the Council's privacy notices.

Training

All Councillors, staff and volunteers receive a copy of, and understand fully, their personal commitment under this policy.

The Council will provide training in and/or raise awareness of equal opportunities to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The Council will provide training to and/or raise awareness of all staff engaged to work at the Council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment.

Responsibilities

Every employee is required to assist the Council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, the Council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Council's disciplinary procedure.

Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.



Monitoring and review

This policy will be monitored periodically by the Council to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the Council will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the Council will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with relevant data protection legislation.

The Chair will ultimately be responsible for the implementation and update of equalities policy for the Council as a whole, with the Clerk responsible for ensuring staff comply with this policy.

Grievances

Employees

If you consider that you may have been unlawfully discriminated against, you should use the Council's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure has additional stages set out in this policy.

Councillors

Councillors should bring any complaint to the Chair of Council, or if it includes the Chair of Council, they should contact the Vice Chair.

Service users

Should bring the complaint to the clerk of the Council.

The Council will take any complaint seriously and will seek to resolve any grievance that it upholds. nobody will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Dignity at Work

Wendover Parish Council believes that civility and respect are important in the working environment, and expect all Councillors, officers and the public to be polite and courteous when working for, and with the Council.

Purpose

Wendover Parish Council is committed to creating a working environment where all Council employees, Councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying.

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

Scope of the dignity at work provisions

This policy covers bullying and harassment of and by all Councillors, employees and volunteers engaged to work at Wendover Parish Council. Should agency staff, contractors, customers, service users or parishioners have a complaint connected to their engagement with Wendover Parish Council this should be raised to their nominated contact, manager, or the Chair of the Council, in the



first instance. Should the complaint be about the Chair of the Council the complaint should be raised to the vice Chair.

Agency staff, or contractors are equally expected to treat Council colleagues, and other representatives and stakeholders with dignity and respect, and the Council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the Council's grievance policy. It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, Councillor), however, the Council will take appropriate action if any of its employees are bullied or harassed by employees, Councillors, members of the public, suppliers or contractors.

Should employees or Councillors find themselves being bullied or harassed by residents then this should be taken to both the Clerk and the Chair of Council who will co-ordinate a response and support that individual with their claim.

The position on bullying and harassment

All staff and Council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Wendover Parish Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Please see the appendix for definitions and examples of bullying and harassment.

Further we will not tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

- **We expect all representatives of the Council to treat each other with respect and uphold the values of the code of conduct, this policy, and all other policies and procedures set by the Council.**
- **We expect all representatives of to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.**

Commitment to dealing with all allegations

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the Council's disciplinary procedure.

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.



It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example).

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

Performance Management and harassment

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

Victimisation

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the Council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

Guidance for reporting

What should you do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)?

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a Councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

What should you do if you feel you are being bullied or harassed by a Councillor?



If you are being bullied or harassed by a Councillor, please raise this with the clerk/chief officer or the Chair of the Council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer. The Council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

What should you do if you witness an incident you believe to harassment or bullying?

If you witness such behaviour, you should report the incident in confidence to the clerk/chief officer or a Councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What should you do if you are being bullied or harassed by another member of staff?

If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the Council's policy and must stop. Alternatively, you may wish to ask the clerk, your nominated manager, or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the Chair of the Council. (If your concern relates to the Chair, you should raise it with the Chair of the personnel/staffing committee). The Chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the Council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The Chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.



Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the Council's grievance procedure. You should raise your complaint to the clerk or the Chair of the Council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s)

The clerk or the Chair of the Council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, the Council should seek to carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, the Council will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The Council will consider any adjustments to support you in your work and to manage the relationship with the Councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The Council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your complaint (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

The use of the Disciplinary Procedure

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.





APPENDIX - DEFINITIONS AND GUIDANCE

Relevant legislation

The following are the main Acts: Disability Discrimination Act 1995; Disability Discrimination Act 2005; Race Relations Act 1976; Race Relations (Amendment) Act 2000; Sex Discrimination Act 1975; Equality Act 2006; Equal Pay Act 1970; Human Rights Act 1998; Sex Discrimination (Gender Reassignment) Regulations 1999; Employment Equality (Sexual Orientation) Regulations 2003; Employment Equality (Religion or Belief) Regulations 2003; Employment Equality (Age) Regulations 2006.

Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic.

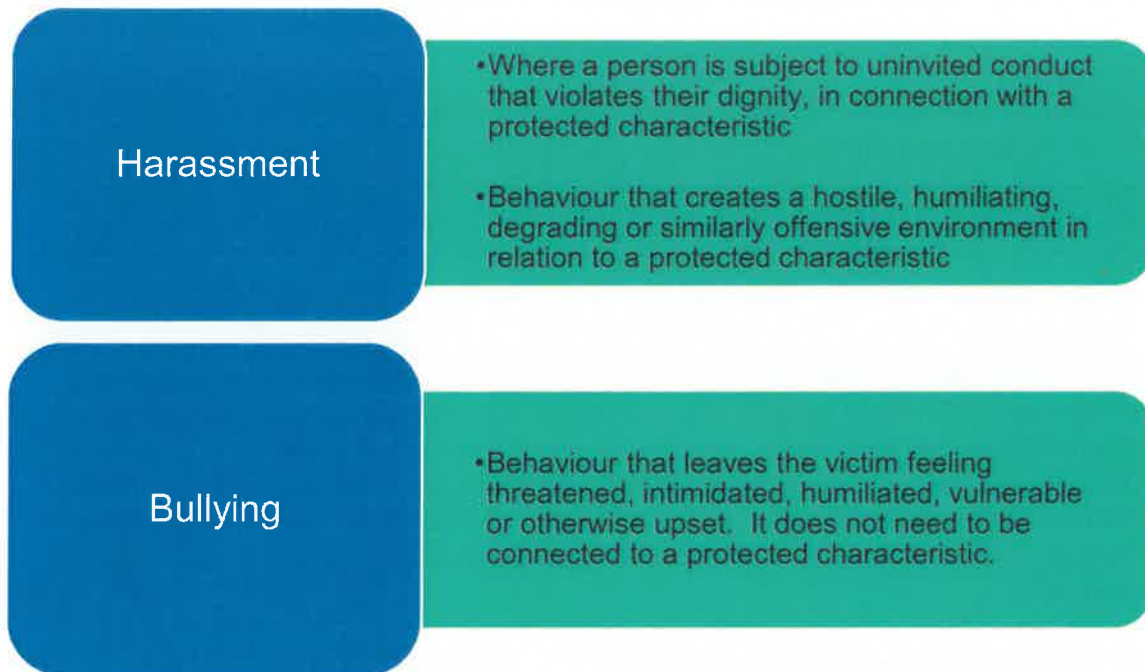
Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.



What Type of Treatment amounts to Bullying or Harassment?



‘Bullying’ or ‘harassment’ are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include (this is not an exhaustive list):

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person’s appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person’s age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power



Background to Dignity at Work

The Dignity at Work section of the policy replaces the Bullying and Harassment Policy and is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.

Wording has been suggested to demonstrate a Council's commitment to promoting dignity and respect where they have signed up to the NALC, SLCC and OVW Civility and Respect Pledge. Council's that have not signed up to this are requested to consider making this pledge which is based on basic behaviours and expectations of all Council representatives to create workplaces that allow people to maintain their dignity at all times.

The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A Council may want to update references where relevant to reflect local terminology and structure, however should be considerate of equality, diversity and inclusion.

The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

Protected Characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

Examples of harassment related to a protected characteristic could include;

- Making assumptions about someone's ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.
- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant persons stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another.



Rude, explicit jokes, even if not directed at an individual, or comments on individuals dress or appearance.

- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief**.
- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.

Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.

New or established employees who are dismissed, or treated unreasonably because of a health condition can make a discrimination claim.

An employee subjected to harassment can make a discrimination claim at a tribunal.

An employee asked to retire can make a discrimination claim at a tribunal

Legal risks

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

Culture and behaviour

We work in eclectic communities and working environments, and a positive culture within the Council enables employees with different backgrounds and beliefs to share ideas and shape how the Council achieves its objectives for their community.

It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The Council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The Council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the Council may want to suggest that it will need to investigate further, even if a 'grievance' is not raised, so as to ensure that any concerns and risks are managed, and the Council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and Councillors jointly determine the working culture, Councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how Councillors behave with each other in Council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.



Scope

All Council representatives are expected to uphold the values of this policy, however this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the Council.

Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged by the Council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

Managers

Recognising that Councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk/chief officer, another employee of the Council, or a Councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible 'line manager' or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for Council employees this may be the clerk/chief officer, and for the clerk/chief officer this could be the Chair/deputy Chair, or possibly Chair of a staffing/personnel committee.

Bullying and harassment & performance management

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

Responsibilities

All staff and representatives of the Council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – Councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

During the investigation

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.



Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a Councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

Confidentiality

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small Council it is likely that it will be clear that the accused will know where the accusation has come from. The Council representative (clerk/chief officer/Councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a Council to consider an anonymous complaint, however if the concerns are significant and compromise the Council in their duty of care to employees, then consideration of how the deal with the matter may be required.

Victimisation

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelling a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.



False allegations

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the Council should consider the matter under the disciplinary procedure. Such an allegation would be potentially be gross misconduct.

Complaints against Councillors

Following the Ledbury case, the law is clear that any formal complaint about a Councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the Council has made the complaint, that the Council agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the Council as a whole due to lack of support related to Councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the Council, or require exploration of the Councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any Councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the Council and can therefore be dealt with by the Council's grievance procedure or against a Councillor and can only be dealt with by the Monitoring Officer.

FINANCIAL CONSIDERATIONS

N/A

LEGAL AND OTHER IMPLICATIONS

N/A

PROPOSAL FOR DECISION BY THE COUNCIL

1. Council resolves to approve the Inclusive Work Culture policy and lapse the following policies:

- Equality, Diversity and Inclusion Policy
- Equal Opportunities Policy
- Bullying and Harassment

2. Council resolves to authorise the clerk to review the civility and respect project and bring back options to sign their civility and respect pledge including an action plan.



APPENDIX A – Original Policies

EQUALITY, DIVERSITY and INCLUSION POLICY

STATEMENT ON EQUALITY, DIVERSITY and INCLUSION

Wendover Parish Council is committed to the principle of equal opportunity, diversity and inclusion for all regardless of race, gender, religious beliefs (or lack thereof), creed, colour, disability, ethnic origin, nationality, marital/parental status, sex or sexual orientation and age.

Wendover Parish Council declares its opposition to any form of direct or indirect discrimination on these grounds.

Wendover Parish Council recognises its obligations under relevant legislation (listed below) and their Codes of Practice to eliminate discrimination and to promote equality of opportunity in employment and volunteering.

Wendover Parish Council recognises that all Councillors, employees and volunteers have a personal responsibility to ensure equal opportunity, diversity and inclusion for all.

ACCESS TO SERVICES and FACILITIES

As a local service provider, Wendover Parish Council will actively promote equal opportunity, diversity and inclusion for all by ensuring equality in the delivery and availability of its services (in this policy, the term service includes facilities). Specifically, Wendover Parish Council will ensure that service users have equality of opportunity, access, and treatment.

Equality of Opportunity means that all service users have equal opportunity to learn about services which may be appropriate to them, e.g. by avoiding communication methods which directly or indirectly discriminate against particular groups or individuals.

Equality of Access means that all service users have equal access to services which may be appropriate to them, e.g. by meeting so far as practicable the special needs of minorities which might otherwise restrict their access to services. Service users should also be able to contact the Parish Council in ways which suit them best, unrestricted by their own IT skills or provision.

Equality of Treatment means that, once service users have accessed services, they have their needs met so far as practicable in a manner that takes account of any special requirements.

Equality Assessments will be prepared by the Clerk in relation to all major projects, service improvements or changes, or new policies. The Assessment will report whether the Equality and Diversity Policy has been observed in relation to the project etc.

CONSULTATION AND COMMUNICATIONS

Wendover Parish Council will actively promote equal opportunity, diversity and inclusion for all by ensuring equality in how it consults and communicates with those living in the parish. Specifically, Wendover Parish Council will ensure that no minority or disadvantaged group is adversely discriminated against in any consultation or communication process.



COUNCILLORS, EMPLOYMENT and VOLUNTEERING

Wendover Parish Council will actively promote equal opportunity, diversity and inclusion for all by ensuring equality in how it manages and treats Councillors, employees and staff. Specifically, Wendover Parish Council will ensure that:

All Councillors, staff and volunteers receive a copy of, and understand fully, their personal commitment under the Equality, Diversity and Inclusion Policy.

The Chair is fully trained and equipped to implement the Equality, Diversity and Inclusion Policy in relation to the recruitment, retention and treatment of Councillors; and that appropriate training and materials are in place to enable the Chair to meet the needs of Councillors.

The Clerk is fully trained and equipped to implement the Equality, Diversity and Inclusion Policy in relation to the recruitment, retention and treatment of employees and volunteers; and that appropriate training and materials are in place to enable the Clerk to meet the needs of employees and volunteers.

The Clerk is fully trained and equipped to implement an Equal Pay policy for all Council employees, i.e. that all staff receive equal pay for the same or broadly similar work, for work rated as equivalent and for work of equal value.

In relation to any disabled Councillor, employee or volunteer, the Clerk and Deputy Clerk are fully trained and equipped to carry out a review of the reasonable adjustments that might be made to ameliorate any substantial disadvantage which the person may experience as a consequence of their disability.

RECRUITMENT OF STAFF AND VOLUNTEERS and CO-OPTION OF COUNCILLORS

Wendover Parish Council will actively promote equal opportunity and equality and diversity for all by ensuring equality in how it co-opts Councillors and recruits employees and staff. Specifically, Wendover Parish Council will ensure that individuals are recruited, and Councillors co-opted on objective criteria having regard to the relevant aptitudes, potential, skills, experiences and abilities, through a transparent process which eliminates any illegal direct or indirect discrimination.

ANTI-HARASSMENT POLICY

Wendover Parish Council is committed to eliminate any form of harassment, especially racial or sexual harassment, by any Councillor, employee or volunteer.

MONITORING AND IMPLEMENTATION

The Chair of the Council with the Chairs of Council sub-committees and the Clerk shall take the lead responsibility for ensuring the implementation of this policy in all areas of the Council's work. The policy shall be reviewed by the Council at least annually.



RELEVANT LEGISLATION

The following are the main Acts: Disability Discrimination Act 1995; Disability Discrimination Act 2005; Race Relations Act 1976; Race Relations (Amendment) Act 2000; Sex Discrimination Act 1975; Equality Act 2006; Equal Pay Act 1970; Human Rights Act 1998; Sex Discrimination (Gender Reassignment) Regulations 1999; Employment Equality (Sexual Orientation) Regulations 2003; Employment Equality (Religion or Belief) Regulations 2003; Employment Equality (Age) Regulations 2006.

Document History

Drafted by Staffing Cllr Durden-Moore

01/04/2021

(version 1)

Reviewed and Adopted by Staffing Committee

01/06/2021



EQUAL OPPORTUNITIES POLICY

This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Equal Opportunities

It is unlawful to discriminate against an individual on the following grounds:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Under the Equality Act 2010 these are known as “protected characteristics”.

The purpose of this policy is to provide equal opportunities to all employees, irrespective of their characteristics (unless there are genuine occupational qualifications or objectively justified reasons for a different approach to be taken). The Council opposes all forms of unlawful and unfair discrimination whether it be direct or indirect discrimination, victimisation or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010.

All employees whether full-time, part-time, fixed term contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Council.

Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated. This is further defined in the Bullying and Harassment policy adopted by the Council.

Breaches of the equal opportunities policy will be regarded as serious misconduct and could lead to disciplinary proceedings. Employees are entitled to complain about discrimination or harassment or victimisation through the Council’s Grievance procedure.

The Council's aim is to ensure that all of its employees and job applicants are treated equally, irrespective of disability, race, colour, religion, nationality, ethnic origin, age, sex, sexual orientation or marital status. The Council appoints, trains, develops and promotes staff on the basis of merit and ability.

All employees have a duty, both morally and legally, not to discriminate against individuals. This means that there shall be no discrimination on account of disability, race, colour, religion, nationality, ethnic origin, age, sex, sexual orientation or marital status. Employees have personal responsibility for the practical application of the Council's Equal Opportunities Policy, which extends to the treatment of Councillors, members of the public and employees.

Any employee or Councillor who is involved in the recruitment, selection, promotion and training of employees has special responsibility for the practical application of the Council's Equal Opportunities Policy.



The Grievance Procedure is available to any employee who believes that they may have been unfairly discriminated against.

Disciplinary action under the Disciplinary Procedure shall be taken against any employee who is found to have committed an act of unlawful discrimination. Discriminatory conduct and sexual or racial harassment shall be regarded as gross misconduct.

	Person/Group responsible	Version	Date completed
Report written by	Ella Jones	1.0	02/08/2017
Reviewed by	Staffing Committee		08/08/2017
Agreed	Staffing Committee		08/08/2017
Reviewed by	Ellis Whittam	2.0	01/08/2019
Agreed	Staffing Committee		08/08/2019
Reviewed by	Ellis Whittam	2.0	02/09/2021



BULLYING AND HARASSMENT POLICY

This policy applies to employees of Wendover Parish Council (“The Council”) and covers:

Bullying and Harassment

In support of the Council’s value of respect, Wendover Parish Council will not tolerate bullying or harassment by, or of, any of its employees, Councillors, contractors, visitors to the Council or members of the public. Bullying and Harassment are behaviours that are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents. Bullying and harassment in the workplace can lead to poor morale, low productivity, poor performance, sickness absence, mental health issues, lack of respect for others, staff turnover, and damage to the Council’s reputation. The Council is committed to the elimination of any form of intimidation in the workplace.

This policy reflects the spirit in which the Council intends to undertake all of its business and outlines the specific procedures available to all employees and Councillors in order to protect them from bullying and harassment. It should be read in conjunction with the Council’s Grievance and Disciplinary Procedures and the Elected Members Code of Conduct.

Bullying is defined as:

“Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.”

Harassment is defined as:

“Unwanted conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.” This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.”

These definitions are derived from the ACAS guidance on the topic.

Examples of unacceptable behaviour are as follows (the list is not exhaustive):

- Spreading malicious rumours
- Insulting someone
- Ridiculing or demeaning someone
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of a position or power
- Unwelcome sexual advances
- Making threats about job security
- Making threats of physical violence against a person or their family
- Deliberately undermining a competent worker by overloading with work and/or constant criticism
- Blaming a person for others’ mistakes
- Obstructing an individual’s promotion or training opportunities



Bullying and harassment may occur face-to-face, in meetings, through written communications (such as email or social media), by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

Penalties

Bullying and harassment by any employed persons can be considered examples of serious misconduct, which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal.

If elected Members of the Council are bullying or harassing employees, contractors, fellow Councillors or members of the public, then a referral through the Standards process in place at the time (reported as a contravention of the Member's Code of Conduct to the AVDC Monitoring Officer) could be an appropriate action for victims.

If an employee is experiencing bullying or harassment from a third party, the Council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and both the employee and Council should take appropriate legal advice (sometimes available from the Council's insurer and/or SLCC).

Process for dealing with complaints of Bullying and Harassment

Informal approach

Any employee who feels he or she is being bullied or harassed should try to resolve the problem informally in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour, or to an intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of incidents.

Formal Approach – raising a Grievance

Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Clerk. If the matter involves the Clerk, it can be raised with the Chairman of the Staffing Committee. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked. The employee will be expected to provide whatever evidence they have of evidence of the conduct about which they are complaining.

A meeting to discuss the complaint with the aggrieved party will normally be arranged within five working days of a written complaint being received and the meeting will be held under the provisions of the Council's Grievance Procedure. The purpose of this meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by a Hearing Panel or Officer as appointed by the Staffing Committee. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel or Officer will publish its recommendations following deliberation of the facts. An action plan should be made available to the aggrieved employee to demonstrate how the problem is to be resolved. It may be decided that mediation or some other intervention is required (Council could contact NALC, an employer's body or ACAS to this effect) or the Council may offer counselling.

The employee will have a right of appeal. At all times, the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process, hence details of the full



grievance will not be shared with the full Council without prior approval by the aggrieved. The Council commits not to victimise the complainant for raising a complaint once the appropriate dispute resolution process has been concluded.

Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour:

- **For an Employee found to have been bullying/harassing** others this will follow the Council's Disciplinary procedure under the ACAS Code of Practice on Dispute Resolution and would normally be treated as Gross Misconduct.
- **For elected Members who the Council reasonably believe to have been bullying or harassing another person(s) whilst undertaking Council activities** the action taken must be reasonable and in some cases counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, Chairmanship etc., may be more appropriate than a penalty. The range of disciplinary sanctions available to Council, where a Member has been involved in bullying/harassment are limited but do include;
 - admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully,
 - banning from committees of the Council and representation on any outside bodies,
 - a referral under the Code of Conduct to the relevant reviewing body.

There may also be a referral to the Police under the Protection from Harassment Act 1997, or a claim to an Employment Tribunal for Third Party harassment (for harassment relating to one of the protected characteristics under the Equality Act) in the most extreme cases. These lists are not exhaustive.

False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee a Member or the Council will not be tolerated and will be dealt with as serious misconduct, under the Disciplinary Procedure in the case of an employee, or a referral to the Standards process in the case of a Councillor.

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